

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE  
Isabel C. Balboa, Esquire  
Cherry Tree Corporate Center  
535 Route 38, Suite 580  
Cherry Hill, NJ 08002  
(856) 663-5002

In Re:

HORACE W. SMITH

Case No: 17-34495-ABA  
Hearing Date: 8/16/2019  
Judge: Andrew B. Altenburg, Jr.  
Chapter: 13



Order Filed on August 19, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Recommended Local Form:



Followed




Modified

**ORDER REGARDING CHAPTER 13 STANDING  
TRUSTEE'S MOTION TO DISMISS OR  
CERTIFICATION OF DEFAULT**

The relief set forth on the following pages number two (2) through three (3) is hereby **ORDERED**.

**DATED: August 19, 2019**

  
\_\_\_\_\_  
Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

The Court having considered the motion or certification of Isabel C. Balboa, Chapter 13 Standing Trustee, and any objections filed, it is hereby

ORDERED that:

- ☐ The debtor(s)' case is hereby DISMISSED
- ☒ The debtor(s)' plan is allowed to continue at the regular monthly payment of \$1,224.00 for a period of 40 months. If the debtor(s) should fail to make any future Chapter 13 plan payment for a period of more than thirty (30) consecutive days, the Trustee shall file a Certification of Default with notice of said Certification to the debtor(s) and debtor(s)' attorney, if any, and the court shall enter an Order dismissing the debtor(s)' case.
- ☐ An Order to Employer to pay the Chapter 13 Trustee shall be prepared and filed with the Court by the debtor(s) or debtor(s)' attorney, if any, within thirty (30) days from the date of this Order.
- ☒ Other:
- ☒ IT IS FURTHER ORDERED that, pursuant to 11 U.S.C. § 349(b), this Court for cause retains jurisdiction over any additional application filed within 30 days by any administrative claimant for funds on hand with the Chapter 13 Standing Trustee.
- ☒ IT IS FURTHER ORDERED that the debtor(s)' case is allow to continue with the arrears being capitalized throught the debtor(s)' plan, and the plan shall continue at \$12,880.00 which represents total receipts applied to plan.

- ☐ IT IS FURTHER ORDERED that the debtor(s)' case is allowed to  
continue with a lump sum payment of \_\_\_\_\_ due within \_\_ days from  
the date of this Order.
- ☐ IT IS FURTHER ORDERED that if the debtor(s)' instant Chapter 13 case is dismissed,  
such dismissal shall be with prejudice and the debtor(s) shall be barred from filing for  
Chapter 13 bankruptcy protection for a period of \_\_ from the date of dismissal of debtor(s)'  
case.
- ☐ IT IS FURTHER ORDERED that the debtor(s)' case is allowed to continue with tier  
payments of
- ☒ This order incorporates a fee application for debtor(s)' attorney in the  
amount of \$400.00 pending Court approval.
- ☐ A status hearing shall be held on \_\_\_\_\_.

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Horace W. Smith  
Debtor

Case No. 17-34495-ABA  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Aug 19, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 21, 2019.

db +Horace W. Smith, 2465 Coronado Dr, Vineland, NJ 08360-6805

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 21, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 19, 2019 at the address(es) listed below:

Alexandra T. Garcia on behalf of Creditor Bayview Loan Servicing, LLC NJECFMAIL@mwc-law.com,  
nj-ecfmail@ecf.courtdrive.com  
Andrew Thomas Archer on behalf of Debtor Horace W. Smith aarcher@brennerlawoffice.com,  
bankruptcy@brennerlawoffice.com;r64966@notify.bestcase.com  
Denise E. Carlon on behalf of Creditor LakeView Loan Servicing, LLC dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,  
summarymail@standingtrustee.com  
Kevin Gordon McDonald on behalf of Creditor Toyota Motor Credit Corporation  
kmcDonald@kmlawgroup.com, bkgroup@kmlawgroup.com  
Kevin Gordon McDonald on behalf of Creditor LakeView Loan Servicing, LLC  
kmcDonald@kmlawgroup.com, bkgroup@kmlawgroup.com  
Melissa S DiCerbo on behalf of Creditor Bayview Loan Servicing, LLC nj-ecfmail@mwc-law.com,  
nj-ecfmail@ecf.courtdrive.com  
Rebecca Ann Solarz on behalf of Creditor LakeView Loan Servicing, LLC rsolarz@kmlawgroup.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10